



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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July 23, 2014

By ECF

Honorable Henry B. Pitman
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Joshua Wiles v. City of New York et al.,
13 CV 2898 (VSB) (HBP)

Your Honor:

I am a Senior Counsel in the office of Zachary Carter, Corporation Counsel of the City of New York, representing defendants in the above-referenced civil rights matter. Defendants write, with consent of counsel for plaintiff, to inform the Court that the deposition of New York City Police Officer John McNamara, noticed by plaintiff's counsel for tomorrow, July 24, 2014, pursuant to Your Honor's June 19, 2014 Order, will not be going forward.

As the Court is aware, on July 3, 2014, defendants moved before Hon. Loretta Preska pursuant to Fed. R. Civ. P. 72(a) seeking partial relief from Your Honor's June 19, 2014 pretrial order. That motion seeks, in part, relief from the portion of the Order compelling Officer McNamara's deposition take place on or before July 31, 2014. The parties have been discussing the possible resolution of this matter, and as such, plaintiff's time to respond to the Rule 72(a) motion has been extended and the motion has not yet been fully briefed. In addition, yesterday we learned that the case has been transferred from Judge Preska to Hon. Judge Vernon S. Broderick, who is copied on this letter.

As such, in order to continue settlement negotiations and to allow the Rule 72(a) motion to be fully briefed and decided, defendants respectfully request that the deposition of Officer McNamara be postponed until after Judge Broderick rules on the pending Rule 72(a) motion.

Thank you for your consideration.

Respectfully submitted,
/s/
Dara L. Weiss
Senior Counsel

cc: Honorable Vernon S. Broderick
United States District Judge

Wylie Stecklow Esq.
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Attorneys for Plaintiff